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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,689	02/07/2001	Renzo Marchesini	34209/GM/1p	8243
7590	05/21/2004		EXAMINER	VIEAUX, GARY
MODIANO & ASSOCIATI Via Meravigli, 16 Milano, 20123 ITALY			ART UNIT	PAPER NUMBER
			2612	4
DATE MAILED: 05/21/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/780,689	MARCHESEINI, RENZO
	<b>Examiner</b>	<b>Art Unit</b>
	Gary C. Vieux	2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 February 2001.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 07 February 2001 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "or other low cost materials" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by " or other low cost materials "), thereby rendering the scope of the claim(s) unascertainable.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernhardt et al. (US #5,115,263) in view of Bernhardt (US #5,610,656.)

4. Regarding claim 1, Bernhardt '263 teaches a television camera enclosure, comprising a tubular outer container made of metallic material (col. 4 lines 15-17), and

an internal hollow body made of an extruded light metal (Fig. 2 indicator 11; col. 5 lines 40-44) adapted to contain at least one television camera (col. 2 line 67 – col. 3 line 5.) Bernhardt '263 does not teach that the internal hollow body is made of plastics or other low-cost material, but does teach that the internal body adapted to contain a camera is attached to the back wall (col. 2 lines 61–62.) Bernhardt '656 teaches a similar camera enclosure with a frame part, to which an internal body adapted to contain a camera is attached (col. 1 lines 60-63), which is made of plastic so that threaded bushes which will be used to attach the rear wall can be embedded in the plastic during injection molding (col. 2 lines 60-65.) In light of these teachings, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the internal body adapted to contain a camera as taught by Bernhardt '263 could also be made out of plastic, just as the connecting frame part as taught by Bernhardt '656. It would have been obvious to one of ordinary skill in the art at the time the invention was made to do this to allow for the insertion of threaded bushes or metal fittings so that the internal body could be secured to other sections of the enclosure or could be coupled to the camera in a similar fashion.

5. Regarding claim 2, Bernhardt '263 and '656 teach all of the limitations of claim 1 (see the 103(a) rejection supra.) Bernhardt '263 further teaches that the enclosure according to claim 1 is constituted by at least one extruded element made of metallic material (col. 4 lines 15-19.)

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6. Regarding claim 3, Bernhardt '263 and '656 teach all of the limitations of claim 1, including the teaching and motivation for the use of molded plastic (see the 103(a) rejection to claim 1 supra.)

7. Regarding claim 4, Bernhardt '263 and '656 teach all of the limitations of claim 1 (see the 103(a) rejection to claim 1 supra), including the teaching wherein said hollow body is shaped so as to define at least one longitudinal guide together with at least one corresponding portion of the outer container. Although Bernhard '263 does not utilize a hollow body shaped so as to define at least one longitudinal guide together with at least one corresponding portion of the outer container, it does teach the shaping of camera enclosure sections so as to define longitudinal guides and corresponding portions to secure the optical instrument (col. 3 lines 10-25), as well as to attach a protective roof (Fig. 2 indicators 27 and 28.) It would have been obvious to one of ordinary skill in the art at the time the invention was made to shape the body and outer container to form at least one longitudinal guide and corresponding portion in a manner similar to that employed to secure the optical instrument and the protective roof as taught by Bernhardt '263. One of ordinary skill in the art at the time the invention was made would be motivated to do this as a means to secure the camera enclosure to the body containing the camera or as a means to adjust the position of the body within the camera enclosure.

8. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernhardt '263 and '656 as applied to claim 1 above, and further in view of Randmae (US #4,414,576.)

9. Regarding claim 5, Bernhardt '263 and '656 teach all of the limitations of claim 5 (see the 103(a) rejection to claim 1 supra), except for a teaching wherein said outer container is constituted by a longitudinal lower portion being separate from a remaining portion which has a substantially C-shaped cross-section, such as to fully surround said hollow body ('263 Fig 2.) Randmae teaches a surveillance camera assembly wherein the housing is constituted by a longitudinal lower portion being separate from a remaining portion which has a substantially C-shaped cross-section, such as to fully surround the camera housed within (Fig. 2 and Fig. 5.) It would have been obvious to one of ordinary skill in the art at the time the invention was made to construct the outer container that surrounds the body section as taught by Bernhardt ('263 and '656) in a two-piece manner with a longitudinal lower portion being separate from a remaining portion which has a substantially C-shaped cross-section as taught by Randmae. One of ordinary skill in the art at the time the invention was made would be motivated to combine these teachings to create a protective outer covering which resulted in the camera being fully enclosed (cross-sectionally), but also resulted in increased access to the hollow body therewithin.

10. Regarding claim 7, Bernhardt ('263 and '656) and Randmae teach all of the limitations of claim 7 (see the 103(a) rejection to claim 5 supra), including the teaching wherein the portion of the outer container having a substantially C-shaped cross-section is provided, at longitudinal edges thereof, with longitudinally elongated protrusions which couple to corresponding guides provided in corresponding portions of said hollow body. Although neither Bernhardt ('263 and '656) nor Randmae directly teach the

portion of the outer container having a substantially C-shaped cross-section being provided, at longitudinal edges thereof, with longitudinally elongated protrusions which couple to corresponding guides being provided in corresponding portions of said hollow body, Bernhard '263 does teach an outer cover having a substantially C-shaped cross-section with longitudinally elongated protrusions which couple to corresponding guides provided so that a protective roof may be attached (Fig. 2 indicators 27 and 28.) It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the longitudinally elongated protrusions and corresponding guides used in attaching the protective roof as taught by Bernhardt '263 in a similar fashion between the body that contains the camera and the camera enclosure in the embodiment as taught by Bernhardt ('263 and '656) and Randmae. One of ordinary skill in the art at the time the invention was made would be motivated to do this as a means to secure the outer container having a substantially C-shaped cross-section to the body containing the camera or as a means to adjust the positioning of the body in relation to the camera enclosure.

11. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bernhardt ('263 and '656) and Randmae as applied to claim 5 above, and further in view of Bernhardt et al. (US #5,563,659.) Bernhardt ('263 and '656) and Randmae teach all of the limitations of claim 6 (see the 103(a) rejection to claim 5 supra), except for a teaching wherein said hollow body is shaped in a downward region so as to define a dovetail guide together with said longitudinal lower portion of the outer container. Nevertheless, Bernhardt '659 teaches a tubular housing shell relative to an internal

hollow body adapted to contain a television camera wherein said hollow body is shaped in a downward region so as to define a dovetail guide together with said longitudinal lower portion of the outer container (Fig. 1 and 3; col. 1 lines 43-48.) It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the enclosure taught by Bernhardt ('263 and '656) and Randmae with the dovetail guide configuration taught by Bernhardt '659. One of ordinary skill in the art at the time the invention was made would be motivated to combine these teachings to allow the body section to be secured to the outer container, while still retaining the ability for it to be separated like a telescope from the outer container for maintenance purposes.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chow et al. (US #5,966,176) discloses camera housing of a tubular shape, having a top and bottom section.

### ***Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C. Vieux whose telephone number is 703-305-9573. The examiner can normally be reached on Monday - Friday, 8:00am - 4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gary C. Vieux  
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Gcv2

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